



MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director
DATE: July 8, 2011
SUBJECT: **Public Hearing Report** for ZC #11-03, Southwest Waterfront
1st Stage Planned Unit Development and Related Map Amendment

I. SUMMARY RECOMMENDATION

Hoffman-Struever Waterfront, LLC, has submitted a Stage 1 Planned Unit Development (PUD) and related map amendments to construct a mixed-use project on several squares west of Maine Avenue, SW, and on piers over the Washington Channel. The Commission set down the request at its April 25 public meeting. The proposal, consisting primarily of large-scale mixed use buildings, as well as a small residential building on a pier and a number of smaller structures, is not inconsistent with the Comprehensive Plan, including the Development Plan and AWI Vision for the Southwest Waterfront. The Office of Planning (OP), therefore, recommends approval of the PUD. OP also recommends that the applicant provide more information about the below-market retail prior to Proposed Action on the application.

II. APPLICATION-IN-BRIEF

Location: The area bounded by Maine Avenue to the east and the fish market to the north, south to approximately N Street, as well as adjacent areas of the Washington Channel. Ward 6, ANC 6D.

Applicant: Hoffman-Struever Waterfront, LLC

Current Zoning: W-1 and Unzoned (landside and waterside, respectively)

Property Size: 26.6 acres (1,158,506 square feet) (Land area plus area of proposed piers)

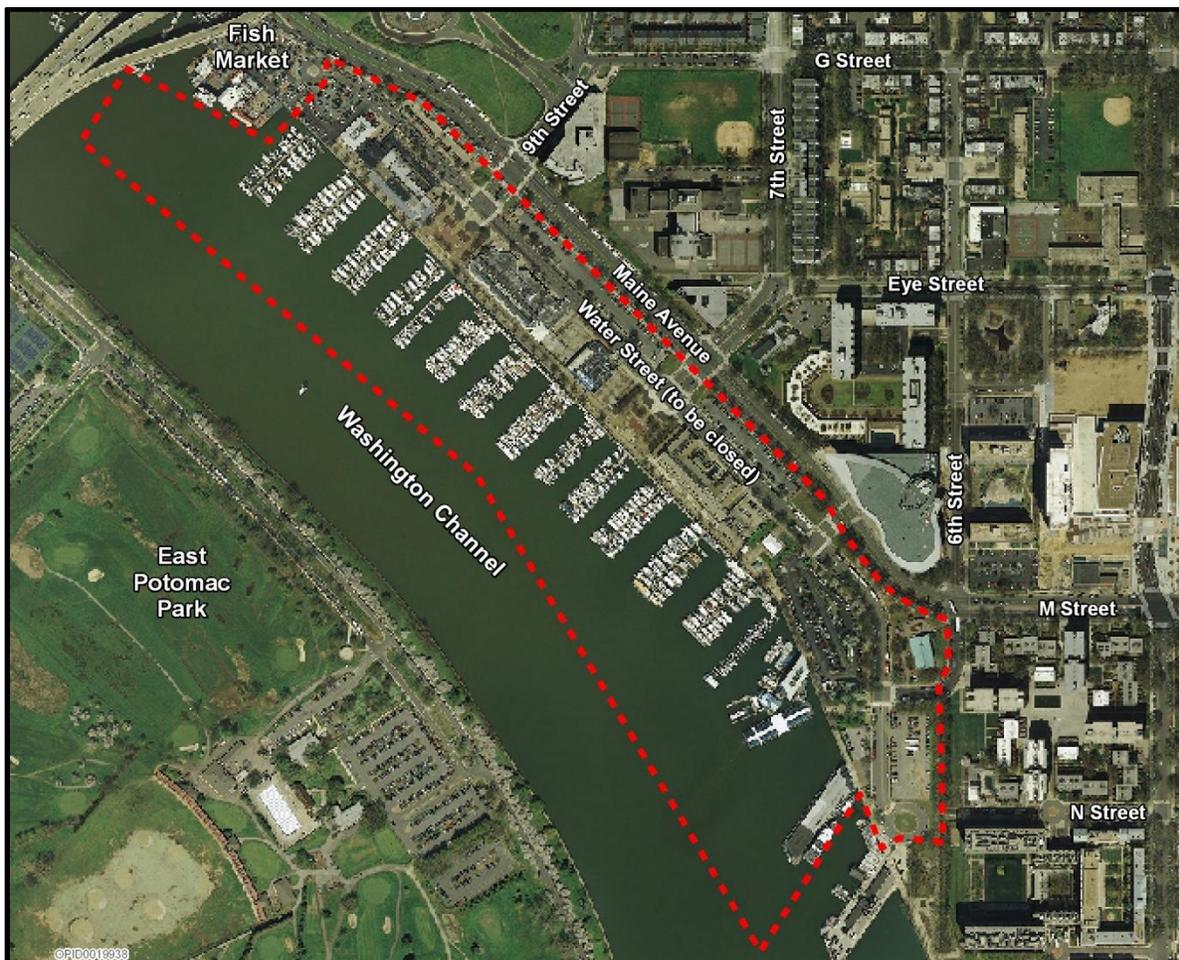
Proposal: A PUD-related map amendment to C-3-C and R-5-B on the landside (with some W-1 remaining) and W-1 on the waterside. Construct a development consisting of 11 mixed use parcels, several smaller structures and pavilions, public and private piers and marinas, as well as parks and plazas. The maximum proposed height is 130 feet. The maximum proposed FAR would be 3.87 on the landside and 0.68 on the waterside.

Relief and Zoning: In conjunction with the PUD, the applicant is seeking the following relief and flexibility:

1. PUD-related map amendment
2. Variance from Stage 1 PUD period of validity (§ 2407.10)
3. Lot occupancy for Parcel 11 (§ 2405.4)
4. Flexibility for the mix of uses

III. SITE AND AREA DESCRIPTION

The subject site is adjacent to and on the Washington Channel and its boundaries can be seen in the vicinity map below. The property is generally bounded on the north by the fish market, on the east by Maine Avenue, and on the west by the proposed extent of the piers of the new development. To the south the property extends approximately to N Street.



The property is currently developed with low-scale, large-format uses including restaurants, a hotel, a church and maritime-related uses. A temporary tennis stadium was recently opened on the site. The uses are served by below-grade and surface parking and are generally accessed

from Water Street, which was recently closed by Council but is still in place and open to the public. In between some of the uses are hardscape plazas. A number of piers extend into the Washington Channel to serve numerous smaller sailing vessels and a few larger boats.

Maine Avenue, which connects to M Street to the east and 12th Street to the north, provides the main vehicular access to the site. The site is also approached from the northeast by 7th and 9th Streets. The Waterfront metro station is two blocks east of the site at 4th and M Streets, and the L'Enfant Plaza metro is approximately six blocks to the north on 7th Street. The surrounding neighborhood is developed primarily with a mix of rowhouses and larger apartment and condo buildings. Adjacent uses across Maine Avenue also include office buildings, a church, a school and Arena Stage. Significant mixed use redevelopment is underway at the Waterfront metro, where eight office and residential buildings are constructed or approved to be built. To the north of the subject site, the L'Enfant Promenade connects Banneker Overlook to the National Mall.

IV. PROJECT DESCRIPTION

The proposal consists of 11 mixed use parcels, a residential building on a pier, a number of smaller landside and waterside structures, four major plazas, one large park, the waterfront promenade or wharf, as well as public and private piers. To develop as proposed the application proposes a PUD-related map amendment to C-3-C for a majority of the landside portion of the project and W-1 for the waterside. A PUD-related map amendment to R-5-B is proposed for one of the landside development parcels, and another landside parcel and the adjacent park would remain W-1.

Height, Density and Uses

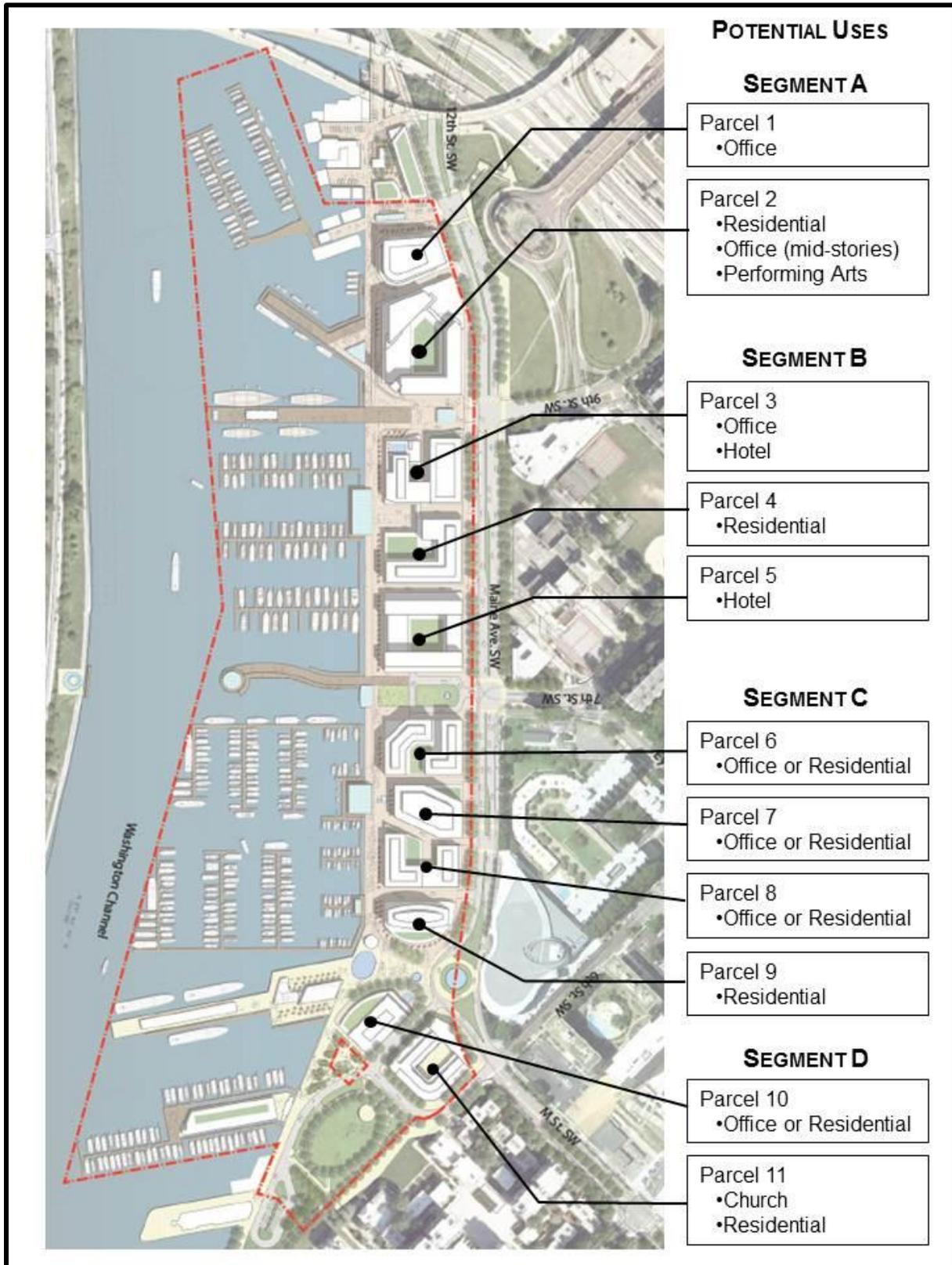
The tallest portions of most buildings on the nine northern parcels would reach 130 feet, built on broader bases of two to five stories. At the southern end of the site, the buildings on Parcels 10 and 11 would be 60 and 57 feet tall, respectively¹. Pavilions and waterside buildings would be one or two stories, except for the Pier 4 residential building. It would have a maximum height of 60 feet. More detailed designs for all buildings, including smaller waterside structures and landside park pavilions, would be brought forward as part of a future second-stage PUD, should this first-stage PUD be approved.

Landside uses would have a maximum potential FAR of 8.37, or 3,165,000 square feet. Waterside uses would have a maximum potential FAR of 0.68, or 114,000 square feet. The waterside FAR is based on a total pier area of 167,393 square feet. The application seeks flexibility to determine the exact mix of uses at a later time, rather than during the Stage 1 PUD as is typically done. Please refer to the table below for a breakdown of uses by Segment and by landside and waterside. All figures are in square feet except for FAR.

¹ Although the building height for Parcel 11 is listed at 45 and 49 feet in different locations within the application materials, note (2) on Sheet 2.2 states that the height will actually be 57 feet.

The ground floors of most buildings would contain retail uses, and the application also describes potential uses in the upper levels of each building. OP has collated the information on upper story uses and presents it in the graphic on page 5. Since the setdown meeting, the range of uses has been refined. For example, the use table now no longer shows the option for hotel in Segment C, the uses for each building in Segments A and B have been specified, and Parcel 9 is now specified as a residential building.

LANDSIDE	Segment A		Segment B		Segment C		Segment D		Potential Max. Per Use
	Min	Max	Min	Max	Min	Max	Min	Max	
Retail	50,000	150,000	100,000	175,000	50,000	100,000	10,000	30,000	455,000
Residential	200,000	400,000	250,000	300,000	530,000	975,000	100,000	250,000	1,925,000
Office	200,000	325,000	175,000	300,000	0	450,000	0	50,000	1,125,000
Hotel	-	-	400,000	500,000	-	-	-	-	500,000
Cultural/ Perf. Arts	85,000	105,000	-	-	-	-	-	-	105,000
Civic (Church)	-	-	-	-	-	-	10,000	15,000	15,000
Potential Overall Segment Max.*	775,000		1,100,000		1,105,000		185,000		
Maximum Potential Landside Floor Area**									3,165,000
Net Total Land Area									817,835
Landside FAR									3.87
WATERSIDE	Segment A		Segment B		Segment C		Segment D		Potential Max. Per Use
	Min	Max	Min	Max	Min	Max	Min	Max	
Retail	-	-	-	-	12,000	24,000	-	-	24,000
Residential	-	-	-	-	-	-	0	50,000	50,000
Recreation	2,000	5,000	5,000	11,000	12,000	24,000	-	-	40,000
Potential Overall Segment Max.	5,000		11,000		48,000		50,000		
Maximum Potential Waterside Floor Area									114,000
Total Pier Area									167,393
Waterside FAR									0.68
* The numbers in this row are not a sum of the numbers above, but rather the maximum total floor area permitted for all uses in that segment.									
** The Maximum Potential Landside Floor Area is not a sum of the numbers above, but rather a sum of the potential maximums per segment.									



Phasing

Sheet 5.1 of the plan set indicates that Parcel 2 through the 7th Street plaza would be phase one of construction; Parcel 1 and the fish market plaza would comprise phase two, and the remainder of the development would be the third phase of construction. Sheets in part 6 of the plan set also state which infrastructure improvements correspond to each construction phase. Input from the community has indicated a desire to have the Waterfront Park completed as part of the first phase of construction. OP agrees that construction of the park at the beginning of the development would provide a valuable open space amenity to the entire neighborhood and improve the appearance of what is currently a large parking lot.

The phasing of marina reconstruction is summarized on Sheet 6.5. The applicant has also committed, on Page 5 of the June 28 written statement, to maintenance of utilities and services to the live-aboard community during the relocation process. Page 5 also states that the applicant will provide the same number of live-aboard slips as currently present, and make “provisions for retention of existing live-aboard slip holders.” The slip holder community has requested that the applicant clarify what the “provisions for retention” would consist of so that it could not be misinterpreted in the future.

Parking and Loading

Most of the vehicular parking would be located underground and would be accessed from the mews streets. A series of garages would serve the entire development and could be “subdivided” in a number of ways. Please refer to Sheet 5.3. Since setdown the proposed range of parking spaces has narrowed to between 2,100 and 2,650. Loading would also be accessed from the mews streets. Because the application requests flexibility to determine the exact mix of uses during future Stage 2 applications, OP will evaluate compliance with parking and loading requirements at that time. The Commission, however, requested that OP compare the amount of parking provided to what would be required under the proposed zoning regulations. Under the revised regulations, the proposed zones – C-3-C, W-1 and R-5-B – and the project’s location proximate to transit, would exempt the project from any minimum parking requirement.

Since setdown the applicant has significantly increased their commitment to bicycle parking spaces to a total of between 1,500 and 2,200. The location of the project, its design, and the proposed mix of uses could combine to make a very significant destination for bicyclists, and residents of the several potential apartment buildings would also need many bicycle parking spaces. The vastly increased commitment is therefore highly appropriate. At setdown the Commission requested a comparison of the proposed bike parking to what would be required under the revised zoning regulations. Although an exact calculation is impossible because of the uncertainty in the use mix, an estimate indicates that the probable bicycle parking requirement would be less than 2,000 spaces.

V. COMPREHENSIVE PLAN POLICIES

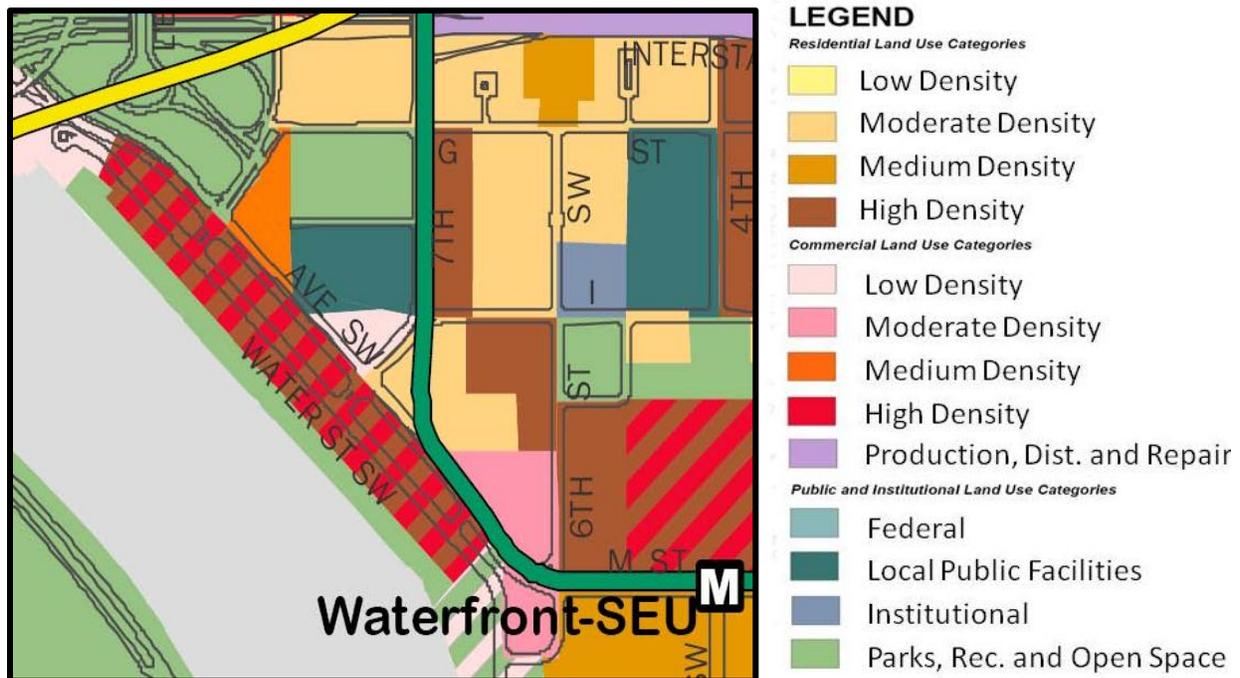
The proposal would further the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element:

- (1) Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. 217.1
- (5) Much of the growth that is forecast during the next 20 years is expected to occur on large sites that are currently isolated from the rest of the city. Rather than letting these sites develop as gated or self-contained communities, they should become part of the city's urban fabric through the continuation of street patterns, open space corridors and compatible development patterns where they meet existing neighborhoods... 217.5
- (6) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6
- (7) Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 217.7
- (10) The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively. 218.3
- (13) Enhanced public safety is one of the District's highest priorities and is vital to the health of our neighborhoods.... 218.6
- (24) Despite the recent economic resurgence in the city, the District has yet to reach its full economic potential. Expanding the economy means increasing shopping and services for many District neighborhoods, bringing tourists beyond the National Mall and into the city's business districts, and creating more opportunities for local entrepreneurs and small businesses. The District's economic development expenditures should help support local businesses and provide economic benefits to the community. 219.9

- (27) Washington’s wide avenues are a lasting legacy of the 1791 L’Enfant Plan and are still one of the city’s most distinctive features. The “great streets” of the city should be reinforced as an element of Washington’s design through transportation, streetscape, and economic development programs. 220.3
- (30) Residents are connected by places of “common ground,” such as Union Station and Eastern Market. Such public gathering places should be protected, and should be created in all parts of the city as development and change occurs. 220.6

The application is also consistent with major policies from various elements of the Comprehensive Plan, including the Land Use; Transportation; Economic Development; Parks, Recreation and Open Space; Urban Design; and Lower Anacostia Waterfront / Near Southwest Area Elements. Please refer to Attachment 1 for a complete analysis of those elements of the Plan.

VI. COMPREHENSIVE PLAN LAND USE MAPS



The Comprehensive Plan’s Generalized Policy Map describes the subject site as a Land Use Change Area. Land Use Change Areas are anticipated to become “high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods (Comprehensive Plan, § 223.12). The Future Land Use Map (FLUM), shown above, indicates that most of the site is appropriate for high density residential and commercial mixed use. The FLUM also indicates that the waterfront itself should include recreational uses, and that the portion of the property south of M Street would be more appropriate for low to moderate density commercial and recreational uses. The application now

proposes W-1 zoning for Parcel 10 and the Waterfront Park, and R-5-B zoning for Parcel 11. The proposal and the revised proposed zoning is not inconsistent with the Comprehensive Plan's land use maps.

VII. DEVELOPMENT PLAN & AWI VISION FOR THE SOUTHWEST WATERFRONT

The Development Plan & Anacostia Waterfront Initiative Vision for the Southwest Waterfront (SWW Plan) is a small area plan adopted by the city council in 2003. Like any small area plan, it works together with and supplements the Comprehensive Plan. In most instances the SWW Plan gives more detailed direction and guidance than the Comprehensive Plan.

The SWW Plan has a number of guiding principles that form the basis of the Plan's policies. The guiding principles include ideas such as improving access to the waterfront – including the provision of a wide promenade, improving access to the water itself, enhancing connections to the existing neighborhood, and creating new public places and a neighborhood setting (SWW Plan, p. 2-1). More detailed recommendations include varied building heights, concentrating commercial uses near the north of the property, and having a strong mix of uses including a significant affordable housing component. The development proposed with this PUD would not be inconsistent with these broad themes.

Development Parcels

The Plan envisions six development parcels along the waterfront with saleable or leaseable space surrounding above-grade parking decks (p. 4-17). The proposed PUD would improve on that design by placing most parking underground, and by creating 11 landside parcels, resulting in smaller block sizes and superior pedestrian, bicycle and vehicular mobility. Parcels would have alleys or “mews streets” in between them that could be used for parking garage, loading, bike or pedestrian access. Most of the mews streets would also have retail frontages or residential units, thereby creating additional pedestrian activity. This development pattern would also contribute to the views through the project. Please see below for more information on views.

Development FAR

The SWW Plan lays out a proposed development program with specific floor areas for residential, retail, hotel, cultural and parking uses (p. 4-15). The Comprehensive Plan states that these numbers should be viewed as illustrative (Comprehensive Plan, § 1911.4, as amended), but maintains that a medium density of development is appropriate on this site to allow for appropriate transitions to adjacent development (ibid, Policy AW-2.1.1, as amended). The proposed PUD is generally consistent with these aspects of the small area plan as modified by the Comprehensive Plan. The proposed landside FAR of 3.87 is well within the medium range, and the development would be well balanced between a range of uses. The buildings proposed for the southern end of the site would be the shortest, providing a transition to the rowhouses along M and 6th Streets. Sheet 5.8 of the plan set provides a section drawing through Parcels 10

and 11 and Tiber Island which shows that the proposed buildings would not be out of character with the scale of existing development.

Views Through and Past the Site

The SWW Plan describes proposed building heights and stepdowns for each development parcel. The Plan states that buildings should consist of varying heights with a lower, broader base and taller tower elements (SWW Plan, p. 4-16). The intent of the varied heights is to preserve views from nearby residential developments and echo the built pattern of the existing Southwest neighborhood. The Plan talks about both ground level views and upper level views (p. 4-19). At the ground level, the proposed PUD would be superior to the development scheme described in the Plan, because additional streets would divide the site and the buildings. Plazas at M, 7th and 9th Streets and at the fish market, as well as the mews streets, would carry major views toward the water. The Plan notes, however, that many lower level views from surrounding areas are and will be blocked by trees. Upper level views would also be preserved by the proposed development and the layout of streets, plazas and mews.

View studies prepared by the applicant, beginning on Sheet 5.10 of the plan set, show various views to and through the site. The renderings show that views from M, 7th and 9th Streets, as well as Banneker Overlook, would still reach the Washington Channel. Views from the south would change with the construction of new buildings, but the visual corridor up Maine Avenue toward the Washington Monument would be maintained, and the Maine Avenue streetwall would be reinforced, in conformance with Comprehensive Plan policies. The massing diagrams on Sheets 2.10 and 5.25 also help to illustrate the segmented and porous nature of the site plan.

The applicant has continued to meet with NCPC and CFA to discuss the views from Banneker Overlook. Those discussions have resulted in a wider fish market plaza and the inclusion of a market pavilion that would be a focal point of activity within the larger open space. The most recent plan set also includes a preliminary design for stairs down from the overlook to Maine Avenue. This amenity would greatly enhance connectivity between the two sites and its design will be refined in future discussions with the federal agencies. In the setdown report and in discussions after setdown, OP requested that the applicant prepare a section drawing through Banneker Overlook and Parcel 2. The relationship between those two locations and the southbound 10th Street view corridor can be assessed with the view study rendering on Sheet 5.11.

The proposed project, including site plan and building envelopes, would not be inconsistent with the SWW Plan.

VIII. ZONING

The site is currently zoned W-1 and R-3 on the landside, and is unzoned on the waterside. The total site area of 1,158,506 square feet (inclusive of proposed pier areas), is large enough to

request a PUD. The proposal requires a PUD-related map amendment and relief from the specific zoning regulations listed below.

1. PUD-Related Map Amendment

The height, density and uses permitted by the C-3-C PUD, R-5-B PUD and W-1 PUD regulations are requested to construct the project as proposed. A PUD in the C-3-C zone can have a maximum height of 130 feet and a maximum FAR of 8.0. A PUD in the R-5-B and W-1 zones can have a maximum height of 60 feet and a maximum FAR of 3.0. The landside portion of the project that is proposed for C-3-C zoning would have a maximum height of 130 feet and an estimated FAR of 5.3. The W-1 landside area would have a maximum height of 60 feet and an estimated FAR of 0.3. The R-5-B area would have a maximum height of 57 feet and an estimated FAR of 2.5. On the waterside, the proposed W-1 zoned area would have a maximum height of 60 feet and an FAR of 0.68. The development parameters would fall within the PUD guidelines of the respective zones.

2. Variance From Stage 1 PUD Period of Validity (§ 2407.10)

The application requests that the period of validity of the Stage 1 PUD approval be eighteen months, instead of one year, as stated in § 2407.10. The extra time is required because the LDA sets forth extra approval processes with the office of the Deputy Mayor for Planning and Economic Development. Those approvals must be obtained by the applicant before they can proceed with a Stage 2 PUD. An extension of six months would not impede the overall implementation of this long-term development.

3. Lot Occupancy for Parcel 11 (§ 2405.4)

The maximum proposed lot occupancy for the building on Parcel 11 is greater than that permitted in the R-5-B district. OP assumes that the lot occupancy listed on Sheet 2.2, 73%, is for the ground floor, where the “donut hole” would be occupied by a parking structure that would contribute to lot occupancy. The lot occupancies on Sheet 2.2, however, are based on gross land area rather than net land area, so the actual lot occupancy would be greater than 73%. Based on the current design of the building, which would maintain a relatively low scale and have a rowhouse-type exterior, OP does not object to the requested relief. Also, the specific design and lot occupancy can be reviewed in more detail during a Stage 2 PUD.

4. Flexibility For the Mix of Uses

A Stage 1 PUD would normally determine the exact use mix on a site. This application proposes that for each Segment of the project each use be allowed a range of floor area. For example, in Segment A, retail uses would have a minimum floor area of 50,000 square feet and a maximum of 150,000 square feet. However, each Segment would have an overall cap on the total floor area for all uses. An exact mix would be determined at the time of a Stage 2 PUD application. Since setdown, however, the uses by parcel have become much more specified. All of the uses

in Segments A and B have been identified, and Parcel 9 will have residential uses. Please refer to the table in Section IV of this report for a breakdown of uses by Segment and by landside and waterside. The minimum floor areas for each use give a level of certainty that significant levels of complementary uses would be present in the development, resulting in an active neighborhood.

IX. PURPOSE AND EVALUATION STANDARDS OF A PUD

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is “designed to encourage high quality developments that provide public benefits.” Through the flexibility of the PUD process, a development that provides benefits to the surrounding neighborhood and the city in general can be achieved.

The application exceeds the minimum site area requirements of Section 2401.1(c) to request a PUD. The applicant is requesting a first stage PUD and a related map amendment. The PUD standards state that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project” (§2403.3). The project would fulfill many Comprehensive Plan policies and in that sense would have a positive impact on city services and quality of life. The project would implement several policies including improving access to the waterfront, increasing pervious surface, improving transportation options, extending the street grid, and drawing tourists away from the monumental core.

X. PUBLIC BENEFITS AND AMENITIES

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” Sections 2403.9 and 2403.10 state that a project must be acceptable in all the listed proffer categories, and must be superior in many. To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§2403.12).

Benefit package evaluation is partially based on an assessment of the additional development gained through the application process. In this case, the application proposes a PUD-related map amendment to C-3-C and R-5-B for most of the W-1 zoned landside areas, with a maximum building height of 130 feet and a maximum potential FAR of 3.87. On the waterside the proposed PUD-related map amendment is to W-1, with a maximum building height of 60 feet and an overall FAR of 0.68, based on the total area of the piers.

On the landside, the applicant would gain 85 feet in height, 1.37 FAR, and a greater allowance for lot occupancy. On the waterside, all development parameters are a result of the PUD, as the water is currently unzoned. The applicant, therefore, would gain 60 feet in height and 0.68 FAR, as well as the array of uses proposed. Please refer to the tables below for a comparison of current zoning parameters and proposed development characteristics.

LANDSIDE				
	Existing Zoning	Overall Landside Proposed	Proposed Zoning	
	W-1 Allowed		C-3-C PUD – Parcels 1-9 Allowed	Proposed
Height	45'	130' max	130'	130'
Land Area	817,835 sf	817,835 sf (net)	-	564,032 sf ¹
Building Area	2,044,588 sf	3,165,000 sf (max)	4,512,256 sf	2,980,000 sf
FAR	2.5 – residential <u>1.0 – non-residential</u> 2.5 – Total	3.87 – mix of uses	8.0 – residential <u>8.0 – non-residential</u> 8.0 – Total	[mix of uses] <hr/> 5.3 – Total
Lot Occupancy	80%	47% ²	100%	60% ²

LANDSIDE					
	Existing Zoning	Proposed Zoning			
	W-1 Allowed	W-1 PUD – Parcel 10 and Park Allowed	Proposed	R-5-B PUD – Parcel 11 Allowed	Proposed
Height	45'	60'	60'	60'	57'
Land Area	817,835 sf	-	205,526 sf ¹	-	48,277 sf ¹
Building Area	2,044,588 sf	616,578 sf	65,000 sf	144,831 sf	120,000 sf
FAR	2.5 – residential <u>1.0 – non-residential</u> 2.5 – Total	3.0 – residential <u>1.0 – non-residential</u> 3.0 – Total	[mix of uses] <hr/> 0.3 – Total	3.0 – residential <hr/> 3.0 – Total	2.5 – church and res. <hr/> 2.5 – Total
Lot Occupancy	80%	80%	12% ²	60%	73% ²

- 1 The land areas in the above tables are net land areas discounting the area of private streets. It was assumed that 85% of the private street area is in the area proposed for C-3-C, 10% in W-1, and 5% in R-5-B.
- 2 The lot occupancies given on Sheet 2.2 of the plan set and repeated here are based on the gross site area, rather than net site area.

WATERSIDE			
	Existing Zoning Unzoned	Proposed Zoning W-1 PUD	Proposed Development
Height	None	60'	60'
FAR	None	3.0 – residential <u>1.0 – non-residential</u> 3.0 – Total (502,179 sf)	0.30 – residential <u>0.38 – non-residential</u> 0.68 – Total (114,000 sf)
Lot Occupancy	None	80%	33%

The application lists several benefits, some of which can also be considered amenity items. OP notes that many of these items were required by the Land Disposition Agreement (LDA) made

between the District and the applicant. The LDA spelled out in detail all the requirements of both parties prior to and after the land would be transferred to the applicant in a 99 year lease. Because the LDA assumed that the delivery mechanism for the benefits and amenities would be a PUD, OP considers as benefits and amenities some of the listed items, even though they are already required by the LDA. OP also considers items funded through the SWW Tax Increment Financing (TIF), if they are completed by the applicant, to be public benefits, because they would not occur if the project was not built.

1. *Urban Design, Architecture, Site Planning, Landscaping and Open Space* – The application cites the project itself as a “benefit to the area and the city as a whole” (February 10 written statement, p. 34). The creation of the wharf, open spaces, plazas and other public gathering areas will provide a boon to the District and the neighborhood, and the creation of a mixed use waterfront neighborhood in close proximity to the National Mall has the potential to achieve tourism and economic development goals. The urban design will extend and reinforce the grid of streets.
2. *Housing and Affordable Housing* – The creation of housing and affordable housing is claimed as a benefit of the project. The project would include housing for various income tiers, including less than 30% AMI, less than 60% AMI, between 100% and 120% AMI, and market rate. Throughout the project at least 160,000 square feet will be dedicated to low and moderate income housing (30% and 60% AMI, respectively). Also, 20% of residential units above 500 units will be workforce housing.

Page 6 of the June 28 written statement gives more information about the affordable housing component. It is estimated that 20% of the residential units in the first phase of construction (Parcels 2 through 5) would be affordable, with that number evenly split between 30% and 60% AMI units. That would be a greater amount, and at a deeper level of affordability, than the 8% at 80% AMI required by IZ. Above and beyond the affordable housing provided, it is estimated that 12% of the phase-one units would be workforce housing. The affordable and workforce units would be distributed in both residential buildings on Parcel 2 and in one of the buildings on Parcel 4. Future phases of development will also be evaluated for conformance to IZ requirements.

Overall the applicant estimates that the project would include about 1,200 residential units (February 10 written statement, p. ii). The project would also maintain the existing live-aboard community of 94 units.

3. *Environmental Features* – The application commits to several different LEED certifications at the neighborhood and building scales. A Gold certification would be achieved under the LEED for Neighborhood Development program. This would be considered an amenity as it is not required by zoning or other District law. The proffered Silver certification for individual buildings is increasingly common and would be required under the Green Building Act.

4. *First Source Employment Agreement* – The applicant has already executed a First Source Employment Agreement with the Department of Employment Services (DOES).
5. *Workforce Intermediary Program (WIP)* – According to page 39 of the February 10 written statement, “the applicant has already funded \$250,000 in a workforce intermediary program,” an entity that would serve as a clearinghouse to list jobs, identify potential job candidates and connect residents with job training opportunities. The WIP would be established in conjunction with DOES. In addition to the WIP, the application states that efforts are being made to link residents with training opportunities and apprenticeships. More information about this benefit and other workforce development initiatives can be found in Exhibit B of the June 28 written statement.
6. *Certified Business Enterprises (CBE) Agreement* – The applicant has already executed a CBE agreement with the Department of Small and Local Business Development.
7. *Local Business Opportunities* – Twenty percent of the retail space would be set aside for local businesses, and rents for these spaces will be reduced to below market rates. As stated in the setdown report, it is unclear whether this commitment would be in perpetuity, how it would be monitored, and where the affordable retail would be located. The applicant should provide more information to clarify this program.
8. *Improvements to the Fish Market* – The applicant will improve infrastructure, hardscape and landscaping at the fish market. The so-called “fish cleaning building” will be renovated or replaced and new outdoor seating will be provided. All overhead utilities will be moved underground and the piers themselves will be refurbished.
9. *New Business Improvement District* – The applicant will fund the creation of a new project-specific BID to maintain the public areas of the site “including the parks, open spaces and public marinas” (June 28 written statement, Exhibit B). Separately, the applicant has stated that a larger BID, including the immediate neighborhood as well as private land owners north of the freeway, could fund and maintain a portion of the streetcar line serving the area.
10. *Stairs to Banneker Overlook* – Stairs from Maine Avenue up to Banneker Overlook would help link the waterfront and the National Mall. The application also cites pedestrian connections across Maine Avenue as part of the amenity.
11. *Parking for Adjacent Uses* – Some parking will be provided for the fish market, an off-site use. The amount of parking serving the fish market is not specified in the application, but OP would consider this item an amenity. OP does not consider parking for on-site uses an amenity or benefit, as claimed in the application.
12. *Transportation Features* – The project would be designed to accommodate a streetcar along the wharf and along Maine Avenue, and water taxi service would also be possible

at the project's piers. The application cites these features as amenities, along with the location of loading and service functions. The application also indicates that Maine Avenue would be improved with new paving, curb and gutter, sidewalks, a bike path, crosswalks and streetlights (June 28 written statement, Exhibit B). The Office of Planning also considers the reservation of 12 feet of private property for an expanded Maine Avenue sidewalk an amenity item. Please refer to Sheet 4.22 for the proposed cross section of Maine Avenue.

The proposed benefits and amenities are generally commensurate with the amount of relief and flexibility proposed by the application. OP requests, however, that more information be provided about the parameters of the affordable retail program. The Ward 6 community has also requested that the applicant describe how proposed benefits and amenities will apply to Ward 6 residents and residents of the immediate neighborhood in particular.

XI. AGENCY REFERRALS

The Office of Planning received comments on this application from the Metropolitan Police Department (MPD). Please see Attachment 2. MPD raised concerns about traffic on M Street and wanted information about parking garage access. Sheet 3.7 shows vehicular circulation patterns and approximate locations for garage entrances. The District Department of Transportation (DDOT) will provide commentary on traffic impacts. OP understands that DDOT will submit comments directly to the Commission.

The applicant has also been in discussions with the District Department of the Environment (DDOE) and the Department of Employment Services (DOES), and has executed a CBE agreement with the Department of Small and Local Business Development (DSLBD).

XII. COMMUNITY COMMENTS

The site is located in ANC 6D. OP has met with the chair of the ANC, representatives of the Tiber Island Co-op and representatives of the live-aboard and work-aboard communities. A full ANC meeting on the application is scheduled for Monday, July 11.

XIII. ATTACHMENTS

1. Comprehensive Plan Policies
2. MPD Referral Email

Attachment 1 Comprehensive Plan Policies

Land Use Element

The Land Use Element calls for the reuse of large, publicly owned sites, and says that their redevelopment should improve their neighborhoods, provide improved waterfront access, where applicable, and provide new parks (Policy LU-1.2.1). Policy LU-1.2.2 says that the mix of uses on such sites should be compatible with existing uses and provide benefits to the immediate and larger communities. In conformance with Policy LU-1.2.6, the proposed design seeks to integrate into the existing urban fabric to the greatest extent possible. The Land Use Element also encourages infill development and development near metro stations (Policies LU-1.3.1 and LU-1.3.2).

Transportation Element

The Transportation Element supports transit-oriented development and discourages auto-oriented uses (Policies T-1.1.4 and T-1.2.3). The proposed development would concentrate housing within walking distance of Metro and bus service, provide a walkable and bikeable environment, and make provisions for future streetcar service. This element also seeks to improve major boulevards through “transportation, economic development, and urban design improvements” (Policy T-1.2.1) The proposed design would also improve the pedestrian network and pedestrian safety, as called for in Policies T-2.4.1 and T-2.4.2.

Economic Development Element

Development of the subject site would help achieve the several Economic Development Element policies. A mix of uses along the waterfront would help draw visitors away from the Mall, and the waterfront itself would be an attraction for tourists. New restaurants would also capture tourist dollars. A variety of hotels within the project would provide price ranges for different travelers, and would provide more hotel rooms in the District and near major attractions. Please refer to Policies ED-2.3.1 through ED-2.3.4.

Parks, Recreation and Open Space Element

The Parks, Recreation and Open Space Element calls for the creation of parks on large sites (Policy PROS-1.4.3), and seeks to improve connections between the waterfront and nearby neighborhoods (Policy PROS-3.2.3). The development would achieve those goals.

Urban Design Element

Policy UD-1.1.1 calls for the District to enhance its “image, character and outstanding physical qualities...in a manner that reflects its role as the national capital.” The proposed development

would improve the southwest waterfront to a state that it could not only be an amenity for residents but would also improve the city's image in the eyes of visitors to the District. The Urban Design Element also calls for the general improvement of waterfront areas, including improving access and strengthening the civic identity as a waterfront city (Policies UD-1.3.1 and UD-1.3.2). Policy UD-1.3.5 also states that views toward the rivers should be protected and enhanced. The proposed development would provide many ground level and upper level views toward the Washington Channel. This element also speaks to reinforcing major boulevards, such as Maine Avenue, and to creating successful developments on large sites and integrating them into existing neighborhoods. Both of these objectives can be achieved by the proposed development.

Lower Anacostia Waterfront / Near Southwest Area Element

The Lower Anacostia Waterfront / Near Southwest Area Element encourages the creation of new waterfront neighborhoods on large, contiguous, publically owned sites, including the Southwest Waterfront (Policy AW-1.1.2). Policy AW-1.1.3 states that development should be "consistent with the Future Land Use Map", provide space for offices and hotels, and focus development along corridors such as Maine Avenue. The policy also says that the operation of maritime vessels should be maintained and supported as the waterfront redevelops. The proposed mix of uses would meet that policy and the placement of buildings along Maine Avenue would reinforce that important corridor. The proposal to incorporate many new and rehabilitated piers and docking berths will support the ongoing use of the waterfront for sailing vessels.

New developments in this area should provide amenities, such as parks and transportation and infrastructure improvements (Policy AW-1.1.4), and should provide significant pedestrian and multi-modal access along the shoreline (Policies AW-1.1.6 and .7). The design of the proposed wharf supports that policy direction. Policy AW-1.1.9 seeks the improvement of Maine Avenue as a "graciously landscaped urban [boulevard]...designed with generous pedestrian amenities, public transit improvements, landscaping, and ground floor uses that create a vibrant street environment." The proposed design, which would reserve 12 feet of the subject site to, in effect, widen the right-of-way, envisions an improved Maine Avenue with continuous parallel parking, streetcar access and improved pedestrian and bike facilities. Policy AW-1.2.2 encourages the siting of new civic gathering places and cultural attractions within the policy area. The proposal includes a number of plazas that could be sites for public gatherings, and one of the proposed uses is a music hall, a major new cultural attraction.

The proposed PUD also follows the more specific guidance of Southwest Waterfront policies. The development would preserve views, improve open spaces and "capitalize on height opportunities at a medium development density", including housing, commercial and cultural uses (Policy AW-2.1.1). The design also contemplates numerous public plazas, a major promenade, and public piers extending into the water (Policy AW-2.1.2), as well as major improvements to the pedestrian environment through widened sidewalks and trails, the elimination of Water Street, and removal of large surface parking lots. The proposed redesign of Maine Avenue should also increase the safety of pedestrians crossing that street (Policy AW-

2.1.4). In summary, the proposal is consistent with the policies of the Lower Anacostia Waterfront / Near Southwest element of the Comprehensive Plan.